

EXHIBIT T

296

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 -----X MDL NO. 1456

5 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

6 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

7 -----X

8 THIS DOCUMENT RELATES TO: :

9 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

10 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

11 Laboratories, Inc. :

12 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

1 THE WITNESS: I -- I don't recall any
2 discussions about the difficulty in -- in
3 implementing estimated acquisition costs.

4 BY MR. TORBORG:

5 Q. Do you believe that your reports on
6 Albuterol Sulfate, starting with this one, 2000,
7 provided accurate information regarding what
8 providers were paying for Albuterol Sulfate?

9 MR. NEAL: Objection as to form.

10 You can answer.

11 THE WITNESS: I think that the reports
12 provided examples of other prices that were
13 available in the marketplace.

14 BY MR. TORBORG:

15 Q. Do you believe your 1997 report that we
16 talked about yesterday with the 22 drugs -- do you
17 recall that?

18 A. Yes.

19 Q. That was the one where you found prices
20 available in catalogs that were provided by
21 Ven-A-Care. Did you believe those provided
22 reliable information regarding how much physicians

1 could purchase drugs for?

2 MR. NEAL: Objection as to form.

3 THE WITNESS: I believe that the
4 information presented in the catalogs was reliable,
5 yes.

6 BY MR. TORBORG:

7 Q. When you circulated -- when you
8 circulated your reports at OIG to state Medicaid
9 programs -- have you done that on occasion?

10 MR. WINGET-HERNANDEZ: Objection; form.

11 MR. NEAL: Objection as to form.

12 THE WITNESS: I don't recall doing that.
13 I may have for one or two reports.

14 BY MR. TORBORG:

15 Q. -- did you expect that the state
16 Medicaid programs would take into consideration the
17 findings in your report?

18 MR. WINGET-HERNANDEZ: Objection to form.

19 MR. NEAL: Objection as to form.

20 THE WITNESS: I expected they may read
21 it. I didn't know whether I expected them to
22 change anything or not.